

ENTERED

May 06, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARQUIS VALANTEE TATE, (TDCJ-CID #2199238)	§ CIVIL ACTION NO. § 4:22-cv-00651 § § Petitioner, § § § § § vs. § JUDGE CHARLES ESKRIDGE § § § § BOBBY LUMPKIN, § Respondent. §
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MEMORANDUM ON DISMISSAL

Marquis Valantee Tate is an inmate of the Texas Department of Criminal Justice—Correctional Institutions Division. He proceeds here *pro se*. The Clerk entered a notice of deficient pleading on March 3, 2022. Dkt 3. That notice instructed Tate to pay the \$5 filing fee or file an application to proceed *in forma pauperis* with certified inmate account information within thirty days. He was advised that his petition was otherwise subject to dismissal without prejudice for want of prosecution.

Tate hasn't complied. Under the inherent powers necessarily vested in a district court to manage its own affairs, this action is dismissed for want of prosecution. See FRCP 41(b); *Link v Wabash Railroad*, 370 US 626, 630–31 (1962); *Clofer v Perego*, 106 F3d 678, 679 (5th Cir 1997); James W. Moore, et al, 8 *Moore's Federal Practice* § 41.51(3)(b) & (e) (Matthew Bender 3d ed 2017).

The Court will grant relief upon a proper showing under Rule 60(b) of the Federal Rules of Civil Procedure. See *Link*, 370 US at 635.

The civil action filed by Petitioner Marquis Valantee Tate is DISMISSED WITHOUT PREJUDICE for want of prosecution. Dkt 1.

Any other pending motions are DENIED AS MOOT.

SO ORDERED.

Signed on May 6, 2022, at Houston, Texas.



Hon. Charles Eskridge
United States District Judge